

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) CASE NO. MJ 08-112  
)  
Plaintiff, )  
)  
v. )  
) DETENTION ORDER  
JOHN CASSISTA, )  
)  
Defendant. )  
\_\_\_\_\_ )

Offense charged: Importation of Marijuana, Possession with Intent to Distribute Marijuana,  
Importation of Illegal Merchandise-Marijuana

Date of Detention Hearing: March 11, 2008

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged in the Western District of New York (Case No. 06-

01 CR-344) with a drug offense the maximum penalty of which is in excess of ten years. There is  
02 therefore a rebuttable presumption against defendant as to both dangerousness and flight risk,  
03 under 18 U.S.C. §3142(e).

04 2. Defendant has waived an identity hearing and an Order of Transfer has been  
05 signed. Defendant does not contest detention at this time. He states that he may wish to request  
06 a detention hearing in the Western District of New York after counsel has been appointed in that  
07 District.

08 3. Taken as a whole, the record does not effectively rebut the presumption that no  
09 condition or combination of conditions will reasonably assure the appearance of the defendant as  
10 required and the safety of the community.

11 It is therefore ORDERED:

12 (1) Defendant shall be detained pending trial and committed to the custody of the  
13 Attorney General for confinement in a correction facility separate, to the extent  
14 practicable, from persons awaiting or serving sentences or being held in custody  
15 pending appeal;

16 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
17 counsel;

18 (3) On order of a court of the United States or on request of an attorney for the  
19 Government, the person in charge of the corrections facility in which defendant  
20 is confined shall deliver the defendant to a United States Marshal for the purpose  
21 of an appearance in connection with a court proceeding; and

22 (4) The clerk shall direct copies of this Order to counsel for the United States, to

01 counsel for the defendant, to the United States Marshal, and to the United States  
02 Pretrial Services Officer.

03 DATED this 11th day of March, 2008.

04   
05 Mary Alice Theiler  
06 United States Magistrate Judge  
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